THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.25687 OF 2003

DATED: 11-7-2007

Between:

M/s. K.V.K.M. Industries, a proprietorship concern at Atchannapalem, Nallajerla Mandal, West Godavari District, rep. by its Proprietor K. Ganga Raju

.. Petitioner

and

Eastern Power Distribution Company of Andhra Pradesh Limited at Visakhapatnam, rep. by its Chairman and Managing Director and others.

.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings, dated 26.11.2001, in Lr.No.ADE/O/BMDL/F No./D.No.1732/2001, issued by the 2nd respondent, as arbitrary and illegal.

It appears, the impugned proceedings i.e. provisional assessment notice, dated 26.11.2001, was issued to the petitioner stating that when the service connection was inspected, it was found 31.5% error and, hence, the petitioner is guilty of back billing. It was further stated that the matter would be enquired by the Superintending Engineer/Divisional Engineer (Assessment), Vijayawada, who would fix the amount of loss sustained by the Board, and in the meanwhile, asked the petitioner to pay an amount of Rs.36,383/-. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into all the details.

This Court, by order dated 20.02.2004 in W.P.M.P.No.32409 of 2003, directed the respondents to restore power supply to the petitioner without insisting on payment of the amount indicated in the impugned order or reconnection charges and further held that the petitioner shall pay consumption charges from time to time after reconnection. Hence, it must be deemed that power supply is being continued to the petitioner.

Now, it is about four years since the writ petition is filed and final assessment might have been made during the pendency of this writ petition. However, if no final assessment is made till now, the impugned order shall not be given effect to until such final assessment is made by the assessing authority.

Subject to the above observation, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

11th July, 2007
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